

Message Text

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PAGE 01 MANILA 01239 250346Z
ACTION EA-12

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FM AMEMBASSY MANILA
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LIMITED OFFICIAL USE MANILA 1239

E.O. 11652: N/A

TAGS: EINV, EIND, RP

SUBJECT: REVISION OF PHILIPPINE PATENT LAW

REF: MANILA 1095

1. PRESIDENT MARCOS TOLD A GROUP OF FOREIGN BUSINESSMEN THAT THE REVISIONS TO THE PATENT LAW WILL BE IMPLEMENTED EFFECTIVE JANUARY 14, 1978, THIRTY DAYS AFTER ITS PROMULGATION LAST DECEMBER 14, 1977. HE THEREBY DISPELLED ANY CONTROVERSY OVER THE PRESENT STATUS OF PD 1263 (SEE REFTEL). THE PRESIDENT SAID, "I CAN ASSURE YOU THAT I WILL BE PERSONALLY WATCHING THE IMPLEMENTATION OF THIS DECREE AND THAT WE WILL BE REASONABLE IN IMPLEMENTING IT". HE WAS OBVIOUSLY READING FROM PREPARED NOTES AND CAME TO THE MEETING (REPORTED MANILA 1172) PREPARED TO DISPEL SOME OF THE QUESTIONS SURROUNDING THE SUDDEN PROMULGATION OF THIS DECREE.

2. COMMENT: THE PROOF OF THE PUDDING IS IN THE TASTING AND WE'LL HAVE TO WAIT AND SEE HOW "REASONABLE" THE GOP CAN BE IN CARRYING OUT A DECREE THAT COULD BE IMPLEMENTED SO AS TO VITIATE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN THE PHILIPPINES. THE PRIMARY POINT OF DISCRETION IN THE PHILIPPINES. THE PRIMARY POINT OF DISCRETION OF COURSE WILL BE UNDER SECTION 34-A WHERE THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY (NEDA) NOW HAS AUTHORITY TO ORDER
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COMPULSORY LICENSING OF PRODUCTS OR PROCESSES "WHICH ARE DECLARED IN SUCH ORDER TO BE OF VITAL IMPORTANCE TO THE COUNTRY'S DEFENSE OR ECONOMY, OR TO THE PUBLIC HEALTH," WITHOUT ANY PERIOD OF PROTECTION AFTER PATENTING. UPON RECEIPT OF THE DEPARTMENT'S INSTRUCTIONS WE WILL PRESUMABLY CONTINUE TO REGISTER USG OBJECTION TO THIS INROAD INTO INDUSTRIAL PROPERTY RIGHTS PROTECTION WITH THE OBJECT OF TEMPERING

NEDA'S APPLICATION OF ITS MANDATE.
NEWSOM

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NNN

Message Attributes

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